

STATE OF MICHIGAN



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Schuette Charges Six More in Flint Water Crisis

*In the third legal action of his Flint Water Investigation,
Schuette files 18 criminal charges against six current and
former state officials from MDEQ and MDHHS*

FLINT, MI — Michigan Attorney General Bill Schuette today announced the third legal action of his Flint Water Investigation, filing 18 criminal charges against four current and two former employees from two state departments. The charges are a result of actions taken by officials at the Michigan Departments of Environmental Quality and Health and Human Services that contributed to the Flint water poisoning crisis by withholding vital information from the public about ongoing lead poisoning and allowing the continued distribution of corrosive water from the Flint Water Treatment Plant.

Schuette was joined at the announcement by Genesee County Prosecutor David Leyton, Flint Water Investigation Special Prosecutor Todd Flood, and Chief Investigator Andy Arena.

A Total of Nine Defendants So Far

As of today, in total, Schuette has filed criminal charges against nine current and former state and local officials since the start of the investigation, which has included interviews with nearly 180 witnesses.

The first round of criminal charges from Schuette's Flint Water Investigation were filed on April 20, 2016 against two Michigan Department of Environmental Quality (MDEQ) employees and one City of Flint employee. Schuette's second legal action took place on June 22, 2016, when he filed a civil suit against water infrastructure firms Veolia and Lockwood, Andrews & Newnam for their roles in the Flint water poisoning crisis.

Schuette's investigation remains ongoing and the charges filed today do not preclude additional charges at a later date.

The Third Legal Action of the Investigation Results in 18 New Charges

In the third legal action of the investigation, today a total of 18 criminal charges (12 felonies and 6 misdemeanors) were filed in Genesee County's 67th District Court in Flint against six individuals, three from the Michigan Department of Environmental Quality (MDEQ) and three from the Michigan Department of Health and Human Services (MDHHS).

MDEQ Employee Charges:

Today's charges include high-ranking officials at the MDEQ who failed in their duties to ensure the provision of safe drinking water and worked to make sure the Flint Water Treatment Plant stayed up and running regardless of the outcome or warning signs its operation was resulting in water poisoned with lead.

- **Liane Shekter-Smith:** Charges allege that former high-ranking MDEQ official Liane Shekter-Smith, then-Chief of the Office of Drinking Water and Municipal Assistance, held key responsibilities for ensuring the provision of clean, safe drinking water for the citizens of Flint. Despite receiving notice of citizen complaints about water quality and knowledge of a Legionnaires outbreak and issues with lead levels, Shekter-Smith, in her high-ranking position that included supervision of key MDEQ employees, not only allegedly failed to take corrective action or notify public health officials but, in fact took steps to mislead and conceal evidence from health officials in phone calls revealed by the investigation.

Liane Shekter-Smith, former Chief of Drinking Water and Municipal Assistance

1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)

1 count, Willful Neglect of Duty (Misdemeanor: 1 year and/or \$1,000)

- **Adam Rosenthal:** Charges allege that current MDEQ employee Adam Rosenthal, who worked in Shekter-Smith's section, was warned by Flint Water Treatment Plant officials that they were not ready for operations and was later warned by the EPA that high levels of lead is usually due to particulate lead, signaling a corrosion problem. Charges allege that in 2015, Rosenthal willfully participated in the manipulation of lead testing results and falsely reported that the 90th percentile of the results for lead water testing was below the federal action level. Eventually, a July 28, 2015 report was altered to exclude some high lead tests and Rosenthal forwarded the altered report on. Previously charged MDEQ employees Busch and Prsyby were also allegedly involved.

Adam Rosenthal, Water Quality Analyst

1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)

1 count, Willful Neglect of Duty (Misdemeanor: 1 year and/or \$1,000)

1 count, Tampering with Evidence (Felony: 4 years and/or \$5,000)

1 count, Conspiracy— Tampering with Evidence (Felony: 4 years and/or \$10,000)

- **Patrick Cook:** Charges allege that Cook, who is the current MDEQ official responsible for compliance with lead and copper monitoring, signed a permit in 2014 that was the last approval necessary for the use of the Flint Water Treatment Plant. Cook subsequently was aware of problems with the water in Flint but allegedly took no corrective action in his duty to ensure the provision of clean, safe drinking water in Flint. Cook allegedly mislead the EPA regarding the necessity of using corrosion control in Flint after the

switch when he allegedly forwarded information he knew to be false to the EPA in response to its inquire.

Patrick Cook, Specialist for Community Drinking Water Unit

1 count, Willful Neglect of Duty (Misdemeanor: 1 year and/or \$1,000)

1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)

1 count, Conspiracy (Felony: 5 years and/or \$10,000)

MDHHS Employee Charges:

Today's charges allege that these MDHHS defendants discovered that Flint children were being poisoned by lead but suppressed that information, keeping it from reaching doctors and health officials who sought to protect the welfare of the children and citizens of Flint.

Nancy Peeler, Robert Scott and Corinne Miller: In July of 2015, Nancy Peeler, Director of the MDHHS Program for Maternal, Infant, and Early Childhood Home Visiting, requested an internal report on blood lead level data in Flint children. That report, created on July 28, 2015 using sound scientific principles, showed a significant spike— higher than usual— in blood lead tests for Flint children for the summer of 2014. However, the charges allege that that report was buried, never forwarded by Peeler or others to appropriate health officials.

Peeler then joined with a different MDHHS employee, Robert Scott, the Data Manager for the Healthy Homes and Lead Prevention program, and created a second report, issued two days after the initial report. The second report falsely indicated no statistically significant rise in blood lead levels of children in the summer of 2014.

Meanwhile, Corinne Miller, the then-Director of the Bureau of Epidemiology and State Epidemiologist, received the first report but instructed others not to take action, rebuffing other employees who asked about next steps of action. The charges allege that Miller later instructed another MDHHS employee to delete emails concerning the original blood lead data report from July 28, 2015.

The investigation also revealed that on day the first blood lead level report was created, July 28, 2015, there was communication between MDEQ Defendant Liane Shekter-Smith and MDHHS. This was the same time that MDEQ defendants allegedly were manipulating lead water results to conceal unsafe lead levels. Despite knowledge to the contrary, the investigation showed that Shekter-Smith allegedly told MDHHS that there were no lead issues with Flint's drinking water.

- **Nancy Peeler, Director, Program for Maternal, Infant, and Early Childhood Home Visiting**
 - 1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)
 - 1 count, Conspiracy, (Felony, 5 years and/or \$10,000)
 - 1 count, Willful Neglect of Duty (Misdemeanor, 1 year and/or \$1,000)
- **Robert Scott, Data Manager for the Healthy Homes and Lead Prevention program**
 - 1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)
 - 1 count, Conspiracy, (Felony, 5 years and/or \$10,000)
 - 1 count, Willful Neglect of Duty (Misdemeanor, 1 year and/or \$1,000)

- **Corinne Miller, Former Director of the Bureau of Epidemiology and State Epidemiologist**
 - 1 count, Misconduct in Office (Felony: 5 years and/or \$10,000)
 - 1 count, Conspiracy, (Felony, 5 years and/or \$10,000)
 - 1 count, Willful Neglect of Duty (Misdemeanor, 1 year and/or \$1,000)

Comments offered by Attorney General Bill Schuette:

“Some may wish or worry that the story of Flint will be slowly absorbed by other world events or lost in the noise and clatter of the 24-hour news cycle and short attention span of posts and tweets. Not on our watch.”

“The families of Flint will not be forgotten. We will provide the justice they deserve. And in Michigan, the justice system is not rigged. There is one system of justice. The laws apply to everyone, equally, no matter who you are. Period.”

“Providing justice to families of Flint means accountability. Those who committed crimes will be held accountable.”

“The victims are real people, families who have been lied to by government officials and been treated as expendable. But when our investigation is completed and our prosecutions are successful—and we believe they will be—then accountability and justice will be delivered to families of Flint and families of Michigan.”

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